

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA-----X  
FRANK WALTERS,

Plaintiff,

-against-

ST. JOHN THE EVANGELIST CATHOLIC CHURCH,  
THE ROMAN CATHOLIC DIOCESE OF SYRACUSE,  
JOHN DOE and JANE DOE, priests, clergy and  
administrators whose names are unknown to the Plaintiff,Defendants.  
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Index No.:

Date Purchased:

Plaintiff designates

ONONDAGA

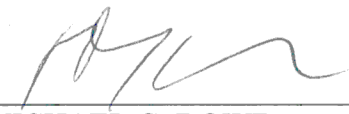
County as the place of trial.

The basis of the venue is

Defendants' place of  
business.**SUMMONS**

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 6, 2019  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP

By: Gerard J. Sweeney, Esq.

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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA

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FRANK WALTERS,

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THE ROMAN CATHOLIC DIOCESE OF SYRACUSE,  
JOHN DOE and JANE DOE, priests, clergy and  
administrators whose names are unknown to the Plaintiff,

**VERIFIED COMPLAINT**

Defendants.  
-----X

Plaintiff, FRANK WALTERS, by his attorney, MICHAEL G. DOWD, as and for  
Complaint, alleges and complains of the DEFENDANTS as follows:

**JURISDICTION AND VENUE**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as DEFENDANTS' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Onondaga County is the principal place of business of DEFENDANTS.

**AS AND FOR A FIRST CAUSE OF ACTION:****NEGLIGENT SUPERVISION**

4. At all times hereinafter mentioned, FRANK WALTERS (hereinafter "PLAINTIFF") was born on May 24, 1955. He is a resident of Oneida County, New York.
5. PLAINTIFF was a Roman Catholic and was a parishioner at Defendant ST. JOHN THE EVANGELIST CATHOLIC CHURCH (hereinafter "ST. JOHN'S"), which is a parish within the Defendant THE ROMAN CATHOLIC DIOCESE OF SYRACUSE (hereinafter "DIOCESE").
6. PLAINTIFF was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.
7. Upon information and belief, and at all times hereinafter mentioned, Defendant DIOCESE was and is a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in Syracuse, New York, which is in Onondaga County.
8. Upon information and belief, Bishop Douglas John Lucia ("BISHOP") is currently the Roman Catholic Bishop of the DIOCESE.
9. Upon information and belief, BISHOP is the Chief Executive Officer of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes.
10. Upon information and belief, all of BISHOP'S predecessor(s) were the Chief Executive Officer of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including

Defendant FATHER JEROME F. WEBER (hereinafter "WEBER"), this includes those Bishops who assigned WEBER to his parish positions.

11. Upon information and belief, at all times mentioned herein, BISHOP and the above referenced predecessor Bishops in the Office of the Bishop along with Defendant DIOCESE created the policies and procedures to be followed by priests within the DIOCESE. The Office of the Bishop and Defendant DIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the Office of the Bishop either directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests, and staff were to be dealt with and investigated by the DIOCESE.
12. Upon information and belief, at all times mentioned herein, the Office of the Bishop was also responsible for removing and/or suspending parish clergy and priests from their duties.
13. Upon information and belief, WEBER was the assistant pastor of Defendant ST. JOHN'S from 1956 through 1958, having been assigned and otherwise authorized to work there by the Office of the Bishop in 1956. After 1958, WEBER continued to perform Mass at ST. JOHN'S throughout the 1960s.
14. Upon information and belief, Defendant ST. JOHN'S is a Roman Catholic parish church within the DIOCESE.
15. Sometime after WEBER became Assistant Pastor at ST. JOHN'S in approximately 1956, WEBER began a pattern of grooming PLAINTIFF for the purpose of sexually abusing him. This grooming included but was not limited to

having Sunday dinner with PLAINTIFF'S family after Mass, telling PLAINTIFF'S parents that PLAINTIFF was a "good kid", complimenting PLAINTIFF'S appearance and giving PLAINTIFF special attention, praise, and privileges.

16. In 1962, Fr. Charles Stuczko, the Pastor of ST. JOHN'S, made PLAINTIFF an altar helper. PLAINTIFF then became an altar boy and served Mass for ST. JOHN'S in 1963.
17. PLAINTIFF was sexually abused by WEBER from about 1962 through about 1969.
18. PLAINTIFF served many masses as an altar boy with WEBER from about 1963 through about 1969.
19. WEBER used his position of authority as a Priest to sexually abuse PLAINTIFF when PLAINTIFF served as an altar boy.
20. The sexual abuse consisted of the following: prior to, and after mass, WEBER instructed PLAINTIFF to assist him in putting on and removing his cassock and vestments. WEBER thanked PLAINTIFF by giving him long, tight hugs, kissing PLAINTIFF on the top of his head, and pressing his groin area against PLAINTIFF'S body.
21. The above-described inappropriate sexual contact with PLAINTIFF escalated over time. WEBER soon began embracing PLAINTIFF for longer periods of time and forcefully prevented PLAINTIFF from escaping his grasp. WEBER firmly held PLAINTIFF, so that PLAINTIFF could distinctly feel WEBER

pressing his erect penis against PLAINTIFF'S body. WEBER also humped PLAINTIFF when PLAINTIFF tried to escape his grasp.

22. On numerous occasions, during all times relevant, WEBER sexually abused PLAINTIFF before weekday mass began. At some point after the abuse began, PLAINTIFF told his parents about the abuse and they confronted WEBER. WEBER denied PLAINTIFF'S allegations and PLAINTIFF was therefore punished by his father. After PLAINTIFF received said punishment, WEBER began abusing PLAINTIFF multiple times a week.
23. During his years as an altar boy, PLAINTIFF estimates he was sexually abused at ST. JOHN'S approximately thirty-five times.
24. PLAINTIFF was also sexually abused by WEBER in his family's home. As a trusted priest, WEBER frequently visited PLAINTIFF'S family home and always asked PLAINTIFF whether PLAINTIFF was home alone. One day in approximately 1969, WEBER arrived at PLAINTIFF'S home while PLAINTIFF was cleaning the pool. As was his usual practice in these matters, WEBER asked PLAINTIFF if anyone else was home. PLAINTIFF responded that his mother had left to buy groceries. WEBER thereupon proceeded to forcibly grab PLAINTIFF. PLAINTIFF resisted and ran towards the back door of his parents' house. WEBER caught PLAINTIFF, pinned him against his back door, and began violently humping and thrusting his erect penis against PLAINTIFF'S body. PLAINTIFF'S mother arrived home and witnessed PLAINTIFF being molested by WEBER. Upon her arrival, WEBER released PLAINTIFF and left.



25. PLAINTIFF'S father reported WEBER's sexual assault of PLAINTIFF to Father Charles Stuczko, the Pastor of ST. JOHN'S.
26. Upon information and belief, at all times mentioned herein, Defendant DIOCESE knew or should have known that as part of a priest's duties and in furtherance of cultivating a trusting relationship with children, priests visited children's homes such as that of PLAINTIFF'S family to meet with children and their parents.
27. Upon information and belief, sometime in 2018 by the DIOCESE, WEBER was included on their list of clergymen credibly accused of sexually abusing minors. The fact that WEBER was included on that list is an admission by Defendant DIOCESE that WEBER sexually abused minors.
28. Upon information and belief, PLAINTIFF was taught and otherwise informed by DEFENDANTS DIOCESE and ST. JOHN'S, by word and deed that he should obey, trust, and respect the DIOCESE, ST. JOHN'S, and WEBER.
29. Upon information and belief, since at least 1950 through present, DEFENDANTS DIOCESE and ST. JOHN'S knew the risk of sexual abuse of minor parishioners by priests and other staff working in the DIOCESE.
30. Upon information and belief, at all times mentioned herein, DEFENDANTS DIOCESE and ST. JOHN'S knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.
31. Upon information and belief, at all times mentioned herein, Defendant DIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.



32. Upon information and belief, at the time of the acts alleged herein, WEBER was an employee of, and acting as an agent of DEFENDANTS DIOCESE and ST. JOHN'S.
33. Upon information and belief, DEFENDANTS DIOCESE and ST. JOHN'S had a duty to protect PLAINTIFF as a minor parishioner from WEBER's criminal sexual acts.
34. Upon information and belief, DEFENDANTS DIOCESE and ST. JOHN'S failed to adequately and completely supervise WEBER and as a result of this failure and negligence, proximately caused PLAINTIFF to be sexually abused by WEBER.
35. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness, and the willful, wanton, reckless and grossly negligent conduct of DEFENDANTS DIOCESE and ST. JOHN'S and their agents, servants, and/or employees, in failing to properly and adequately supervise the conduct of WEBER as it related to PLAINTIFF.
36. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

37. That by reason of the foregoing, DEFENDANTS DIOCESE and ST. JOHN'S are also liable to PLAINTIFF for punitive and exemplary damages.
38. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
39. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION:**

**NEGLIGENT FAILURE TO WARN**

40. PLAINTIFF repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
41. Upon information and belief, prior to and at all times herein mentioned, DEFENDANTS DIOCESE and ST. JOHN'S and their agents, servants, and employees, knew or should have known that WEBER violated DIOCESE and ST. JOHN'S relevant rules, regulations and protocols prohibiting priests like WEBER from sexually abusing and otherwise harming minor parishioners, including PLAINTIFF.
42. The DEFENDANTS DIOCESE and ST. JOHN'S and their agents, servants, and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn PLAINTIFF that the failure of WEBER to abide by DIOCESE and ST. JOHN'S rules, regulations and protocols regarding

prohibitions on employees being alone with minor parishioners put PLAINTIFF at risk for being sexually abused by WEBER.

43. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
44. That by reason of the foregoing, DEFENDANTS DIOCESE and ST. JOHN'S are also liable to PLAINTIFF for punitive and exemplary damages.
45. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
46. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION:**

**NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT**

47. PLAINTIFF repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.

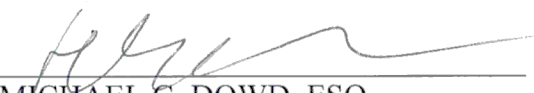
48. The DEFENDANTS DIOCESE and ST. JOHN'S assumed a duty to protect the safety and welfare of PLAINTIFF as more fully set forth above, when PLAINTIFF participated as a parishioner in ST. JOHN'S related activities such as serving as an altar boy. This duty imposed upon said DEFENDANTS, the duty to provide a reasonably safe and secure environment for PLAINTIFF while he was participating in parish programs.
49. When PLAINTIFF was in said DEFENDANTS' care, said DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
50. DEFENDANTS DIOCESE and ST. JOHN'S and their agents and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to provide a safe and secure environment for PLAINTIFF while he participated as a minor in parish programs and as such were sexually abused by WEBER.
51. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

52. That by reason of the foregoing, DEFENDANTS DIOCESE and ST. JOHN'S are also liable to PLAINTIFF for punitive and exemplary damages.
53. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
54. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the DEFENDANTS, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
November 6, 2019

Respectfully submitted,

  
\_\_\_\_\_  
MICHAEL G. DOWD, ESQ.  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, New York 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
1981 Marcus Avenue, Suite 200  
Lake Success, New York 11042  
(718) 459 - 9000

*Attorneys for Plaintiff*


**VERIFICATION BY ATTORNEY**

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York  
November 6, 2019



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MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640